



Senate

General Assembly

File No. 70

February Session, 2002

Substitute Senate Bill No. 298

Senate, March 19, 2002

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TEACHERS AND COLLECTIVE BARGAINING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-151b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) The superintendent of each local or regional board of education
4 shall, in accordance with guidelines established by the State Board of
5 Education for the development of evaluation programs and such other
6 guidelines as may be established by mutual agreement between the
7 local or regional board of education and the teachers' representative
8 chosen pursuant to section 10-153b, continuously evaluate or cause to
9 be evaluated each teacher. An evaluation pursuant to this subsection
10 shall include, but need not be limited to, strengths, areas needing
11 improvement and strategies for improvement. Claims of failure to
12 follow the procedures established in said evaluation programs shall be
13 subject to the grievance procedure in collective bargaining agreements
14 negotiated subsequent to July 1, 2002. The superintendent shall report

15 the status of teacher evaluations to the local or regional board of
16 education on or before June first of each year. For purposes of this
17 section, the term "teacher" shall include each professional employee of
18 a board of education, below the rank of superintendent, who holds a
19 certificate or permit issued by the State Board of Education.

20 (b) Each local and regional board of education shall develop and
21 implement teacher evaluation programs consistent with guidelines
22 established by the State Board of Education and consistent with the
23 plan developed in accordance with the provisions of subsection (b) of
24 section 10-220a.

25 Sec. 2. Subsection (d) of section 10-220a of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective July*
27 *1, 2002*):

28 (d) The state Department of Education may fund, within available
29 appropriations, in cooperation with one or more regional educational
30 service centers: (1) A cooperating teacher program to train Connecticut
31 public school teachers and certified teachers at private special
32 education facilities approved by the Commissioner of Education and at
33 other facilities designated by the commissioner, who participate in the
34 supervision, training and evaluation of student teachers; (2) institutes
35 to provide continuing education for Connecticut public school
36 educators, assessors and cooperating teachers and teacher mentors,
37 including institutes to provide continuing education for Connecticut
38 public school educators offered in cooperation with the Connecticut
39 Humanities Council; and (3) a beginning teacher support and
40 assessment program to train Connecticut public school teachers and
41 other qualified persons approved by the Commissioner of Education
42 and certified teachers at such private special education and other
43 designated facilities who serve as mentors or assessors for beginning
44 teachers and who supervise, train and assist or assess beginning
45 teachers in their initial years in teaching and to pay stipends to
46 assessors. Funds available under this subsection shall be paid directly
47 to school districts for the provision of substitute teachers when

48 cooperating teachers, teacher mentors, beginning teachers and
49 assessors are released from regular classroom responsibilities and for
50 the provision of professional development activities for cooperating
51 and student teachers, teacher mentors, assessors and beginning
52 teachers. The cooperating teacher and beginning teacher support and
53 assessment programs shall operate in accordance with regulations
54 which shall be adopted by the State Board of Education pursuant to
55 chapter 54. Student teachers shall be placed with trained cooperating
56 teachers. Beginning teachers shall participate in a beginning teacher
57 support and assessment program as made available by the board.
58 School districts shall be responsible for providing support to beginning
59 teachers which shall include, but not be limited to, the placement of
60 beginning teachers with trained teacher mentors who may be full or
61 part-time teachers in the same or a different building than the
62 beginning teacher and provision of trained assessors to conduct
63 assessments of beginning teachers. Cooperating teachers, teacher
64 mentors and assessors may serve concurrently in more than one
65 capacity and may be assigned more than one student teacher or
66 beginning teacher in each such capacity. The assessment of each
67 beginning teacher shall be based upon, but not limited to, data
68 obtained from observations conducted by assessors using an
69 assessment instrument. Notwithstanding any regulation to the
70 contrary, the State Board of Education may require less than six
71 observations as part of such assessment for the fiscal year ending June
72 30, 1992, and may establish different assessment standards for use
73 during such fiscal year. Notwithstanding any regulation to the
74 contrary, a beginning teacher need not be assessed by a certified
75 teacher who holds a certification endorsement in the same general
76 subject area as such beginning teacher. Cooperating teachers and
77 teacher mentors who are Connecticut public school teachers and
78 assessors who are employed by school districts shall be selected by
79 local and regional boards of education. Cooperating teachers and
80 teacher mentors and assessors at such private special education and
81 other designated facilities shall be selected by the authority responsible
82 for the operation of such facilities. If a board of education is unable to

83 identify a sufficient number of individuals to serve in such positions,
84 the commissioner may select qualified persons who are not employed
85 by the board of education to serve in such positions. Such regulations
86 shall require primary consideration of teachers' classroom experience
87 and recognized success as educators. The provisions of sections 10-
88 153a to 10-153n, inclusive, as amended by this act, shall not be
89 applicable to the selection [] and placement [and compensation] of
90 persons participating in the cooperating teacher and beginning teacher
91 support and assessment programs pursuant to the provisions of this
92 section, but the provisions of said sections 10-153a to 10-153n,
93 inclusive, shall be applicable to the compensation and to the hours and
94 duties of such persons. The State Board of Education shall protect and
95 save harmless, in accordance with the provisions of section 10-235, any
96 cooperating teacher, teacher mentor or assessor while serving in such
97 capacity.

98 Sec. 3. Subsection (b) of section 10-153d of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective July*
100 *1, 2002*):

101 (b) The local or regional board of education and the organization
102 designated or elected as the exclusive representative for the
103 appropriate unit, through designated officials or their representatives,
104 shall have the duty to negotiate with respect to salaries, hours and
105 other conditions of employment about which either party wishes to
106 negotiate including, but not limited to, compensation of persons
107 participating in the cooperating teacher and beginning teacher support
108 and assessment programs pursuant to the provisions of section 10-
109 220a, as amended by this act, and to the hours and duties of such
110 persons. For purposes of this subsection and sections 10-153a, 10-153b,
111 as amended by this act, and 10-153e to 10-153g, inclusive, as amended,
112 (1) "hours" shall not include the length of the student school year, the
113 scheduling of the student school year, the length of the student school
114 day, the length and number of parent-teacher conferences and the
115 scheduling of the student school day, except for the length and the
116 scheduling of teacher lunch periods and teacher preparation periods,

117 and (2) "other conditions of employment" shall not include the
118 establishment or provisions of any retirement incentive plan
119 authorized by section 10-183jj. Such negotiations shall commence not
120 less than two hundred ten days prior to the budget submission date.
121 Any local board of education shall file forthwith a signed copy of any
122 contract with the town clerk and with the Commissioner of Education.
123 Any regional board of education shall file forthwith a signed copy of
124 any such contract with the town clerk in each member town and with
125 the Commissioner of Education. Upon receipt of a signed copy of such
126 contract the clerk of such town shall give public notice of such filing.
127 The terms of such contract shall be binding on the legislative body of
128 the local or regional school district, unless such body rejects such
129 contract at a regular or special meeting called and convened for such
130 purpose within thirty days of the filing of the contract. If a vote on
131 such contract is petitioned for in accordance with the provisions of
132 section 7-7, in order to reject such contract, a minimum number of
133 those persons eligible to vote equal to fifteen per cent of the electors of
134 such local or regional school district shall be required to participate in
135 the voting and a majority of those voting shall be required to reject.
136 Any regional board of education shall call a district meeting to
137 consider such contract within such thirty-day period if the chief
138 executive officer of any member town so requests in writing within
139 fifteen days of the receipt of the signed copy of the contract by the
140 town clerk in such town. The body charged with making annual
141 appropriations in any school district shall appropriate to the board of
142 education whatever funds are required to implement the terms of any
143 contract not rejected pursuant to this section. All organizations seeking
144 to represent members of the teaching profession shall be accorded
145 equal treatment with respect to access to teachers, principals, members
146 of the board of education, records, mail boxes and school facilities and,
147 in the absence of any recognition or certification as the exclusive
148 representative as provided by section 10-153b, as amended by this act,
149 participation in discussions with respect to salaries, hours and other
150 conditions of employment.

151 Sec. 4. Subsection (a) of section 10-153b of the general statutes is

152 repealed and the following is substituted in lieu thereof (*Effective July*
153 *1, 2002*):

154 (a) Whenever used in this section or in sections 10-153c to 10-153n,
155 inclusive, as amended by this act: (1) The "administrators' unit" means
156 the certified professional employee or employees in a school district
157 not excluded from the purview of sections 10-153a to 10-153n,
158 inclusive, as amended by this act, employed in positions requiring an
159 intermediate administrator or supervisor certificate, or the equivalent
160 thereof, and whose administrative or supervisory duties, for purposes
161 of determining membership in the administrators' unit, shall equal at
162 least fifty per cent of the assigned time of such employee. Certified
163 professional employees covered by the terms and conditions of a
164 contract in effect prior to October 1, 1983, shall continue to be covered
165 by such contract or any successor contract until such time as the
166 employee is covered by the terms and conditions of a contract
167 negotiated by the exclusive bargaining unit of which the employee is a
168 member for purposes of collective bargaining pursuant to the
169 provisions of this section. (2) The "teachers' unit" means the group of
170 [certified] professional employees who hold a certificate, authorization
171 or permit issued by the State Board of Education under the provisions
172 of sections 10-144o to 10-149, inclusive, or a durational shortage area
173 permit and are employed by a local or regional board of education in
174 positions requiring such a [teaching or other] certificate, authorization
175 or permit or durational shortage area permit and are not included in
176 the administrators' unit or excluded from the purview of sections 10-
177 153a to 10-153n, inclusive, as amended by this act. (3) "Commissioner"
178 means the Commissioner of Education. (4) "To post a notice" means to
179 post a copy of the indicated material on each bulletin board for
180 teachers in every school in the school district or, if there are no such
181 bulletin boards, to give a copy of such information to each employee in
182 the unit affected by such notice. (5) "Budget submission date" means
183 the date on which a school district is to submit its itemized estimate of
184 the cost of maintenance of public schools for the next following year to
185 the board of finance in each town having a board of finance, to the
186 board of selectmen in each town having no board of finance and, in

187 any city having a board of finance, to said board, and otherwise to the
188 authority making appropriations therein. (6) "Days" means calendar
189 days.

190 Sec. 5. Subdivision (2) of subsection (a) of section 10-151 of the
191 general statutes is repealed and the following is substituted in lieu
192 thereof (*Effective July 1, 2002*):

193 (2) The term "teacher" shall include each [certified] professional
194 employee holding a certificate, authorization or permit issued by the
195 State Board of Education under the provisions of sections 10-144o to
196 10-149, inclusive, or a durational shortage area permit below the rank
197 of superintendent employed by a board of education for at least ninety
198 days in a position requiring a certificate, authorization, permit, or
199 durational shortage area permit issued by the State Board of
200 Education.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>

ED *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected
GF - None	Department of Education

Note: GF=General Fund

Municipal Impact:

Effect	Municipalities
STATE MANDATE - Potential Cost	All Local and Regional School Districts

Explanation

This bill extends tenure, employment and dismissal requirements to individuals (teachers) that currently do not have these rights. Extending such requirements to these individuals results in a potential cost to local and regional school districts as it may result in an increase in grievances for which hearings must be held. Since the number of such increased grievances cannot be predicted no estimate of a cost can be determined. The potential cost would be minimal on a statewide basis but could be more than minimal in any district that does get impacted.

Additionally the bill expands the scope of collective bargaining for teachers. Expanding the scope of collective bargaining results in a potential cost to local and regional school districts. It is not expected that the potential cost would be significant when compared to the overall scope of collective bargaining.

OLR Bill Analysis

sSB 298

AN ACT CONCERNING TEACHERS AND COLLECTIVE BARGAINING**SUMMARY:**

This bill extends the same tenure, employment, and dismissal requirements that apply to certified teachers to professionals employed for at least 90 days in positions requiring a permit or authorization from the State Board of Education (SBE). Under current regulations, SBE requires a permit or authorization for someone with no teaching certificate to be employed as a long-term substitute or athletic coach, to teach in certain adult education programs or subjects, and to fill teaching positions in subjects when no certified teachers are available (shortage areas).

The bill also expands the scope of collective bargaining for teachers. It:

1. includes uncertified permit and authorization holders in teachers' bargaining units, thus subjecting their wages, hours, and working conditions to mandatory collective bargaining;
2. allows teachers and school administrators to file grievances if a district fails to follow the procedures specified in its evaluation program, starting with new or renewed collective bargaining agreements negotiated after July 1, 2002; and
3. requires school boards and unions to bargain over the compensation, hours, and duties of teachers who train and evaluate student teachers or serve as mentors and assessors of beginning teachers under the Beginning Educator Support and Training (BEST) Program.

EFFECTIVE DATE: July 1, 2002

CONDITIONS OF EMPLOYMENT FOR PERMIT AND AUTHORIZATION HOLDERS***Tenure***

The bill extends the same tenure provisions that already apply to

certified teachers to holders of SBE-issued permits or authorizations. As is the case for certified teachers, to be eligible, a permit or authorization holder must be employed by a board of education for at least 90 days in a position that requires a permit or authorization.

By law, covered teachers first hired before July 1, 1996 attain tenure after 30 continuous school months of employment for the same school board. Those first hired after that date attain tenure after 40 school months, if their contracts are renewed for the following school year. Teachers who attain tenure with one board of education and who are reemployed by the same or another board after a break in service attain tenure after 20 school months of continuous employment, if their contracts are renewed for the following school year. The bill extends these service requirements to the holders of the other credentials as well.

Because coaching permits and substitute teaching authorizations have no specified expiration dates, it appears that holders could attain tenure immediately upon the bill's passage, if they have worked the requisite number of months under those credentials. On the other hand, because a person can teach only for a maximum of three years with a durational shortage area permit and one year with an adult education authorization, holders of those credentials could not attain tenure immediately upon the bill's passage. But it appears that holders of any of these credentials could be tenured sooner if they are later certified because, under the bill, employment under a permit or authorization would count towards the service required for tenure.

By law, tenured teachers have their contracts automatically renewed from year-to-year; can be dismissed only for six statutorily specified reasons; and have the right to (1) bump untenured teachers in positions for which they are qualified if their positions are eliminated, (2) written notice of the reasons for termination, (3) a hearing before the board of education or an impartial hearing panel, and (4) appeal the results of the hearing to Superior Court.

Employment and Dismissal Rights

The bill also extends untenured teacher employment and dismissal rights to holders of permits and authorizations employed for at least 90 days by a school board in a position requiring those credentials. By law, untenured teachers must be (1) employed under a written

contract; (2) notified by April 1 if their contracts are not being renewed for the following year; (3) given written reasons for termination or nonrenewal on request; (4) allowed a hearing before the board of education or an impartial hearing panel on the termination; and (5) if the termination is for moral misconduct or disability, granted the right to appeal to Superior Court.

COLLECTIVE BARGAINING

Permit and Authorization Holders

The bill expands each school district's teacher collective bargaining unit to include any professional who holds an SBE-issued teaching authorization or permit who does not meet the requirements for membership in the administrators' unit. The bill thus requires school districts and unions to bargain over the wages, hours, and working conditions of such employees.

Evaluation Grievances

By law, local school boards must establish and implement teacher evaluation programs that meet both SBE guidelines for such programs and any other guidelines the local boards and the unions representing their teachers and administrators mutually agree on. The evaluation programs apply to all teachers and administrators below the rank of superintendent who hold SBE-issued certificates or permits. Under both current law and the bill, evaluation programs are not subject to collective bargaining.

The bill allows a teacher or administrator to file a grievance claiming that evaluation procedures set out in the district's evaluation program were not followed in a particular case. Such grievances may be filed only according to grievance procedures in collective bargaining agreements negotiated after July 1, 2002.

Cooperating Teachers, Mentors, and Assessors

Under current law, school districts do not have to bargain over the selection, placement, compensation, hours, and duties of (1) those who participate in the supervision, training, and evaluation of student teachers as part of the cooperating teacher program and (2) those who participate as mentors and assessors of new teachers under the BEST Program. This bill makes the compensation, hours, and duties, but not

selection and placement, of cooperating teachers and BEST mentors and assessors a mandatory subject of collective bargaining.

BACKGROUND

SBE Permits and Authorizations

SBE issues the following permits and authorizations to uncertified people in the special situations:

1. Substitute teacher authorization—required for an uncertified person employed for 40 or more days in a school year in the same substitute teaching assignment.
2. Durational shortage area permit—one-year permit (renewable twice) issued to an uncertified person at the request of a local board of education for a subject area for which no certified teacher is available.
3. Coaching permit or temporary emergency coaching permit—required for any uncertified person coaching intramural or interscholastic athletics in kindergarten through grade 12.
4. Adult education authorization—one-year nonrenewable authorization issued to a person who meets all the requirements for a teaching certificate except passage of the competency tests. It allows him to teach in an adult education high school credit diploma program, in external diploma and noncredit programs mandated by law, or to teach English to non-English-speaking adults (Regs. Of Ct. State Agencies, 10-145d-420-426).

Statutory Dismissal Criteria for Teachers

By law, local boards of education may dismiss teachers only for (1) inefficiency or incompetence, (2) insubordination, (3) moral misconduct, (4) a medically evident disability, (5) position elimination, or (6) other due and sufficient cause. They may also let an untenured teacher go by notifying him by April 1 that his contract will not be renewed for the next year.

If a board eliminates a tenured teacher's position, it may dismiss the teacher only if (1) there is no other position the teacher is qualified for being held by an untenured teacher and (2) it follows applicable collective bargaining contract procedures.

BEST Program

The BEST program is a two- or three-year comprehensive induction program of support and assessment for beginning teachers. It is required for beginning classroom teachers employed in public schools and approved private special education facilities.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 23 Nay 8